

SENATE, No. 722

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator GERALD CARDINALE

District 39 (Bergen and Passaic)

Co-Sponsored by:

Senators Bateman and Stack

SYNOPSIS

Expands domestic violence protection for adoptive parents.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning domestic violence and amending P.L.1991,
2 c.261.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Domestic violence" means the occurrence of one or more of
11 the following acts inflicted upon a person protected under this act
12 by an adult or an emancipated minor:

13 (1) Homicide N.J.S.2C:11-1 et seq.

14 (2) Assault N.J.S.2C:12-1

15 (3) Terroristic threats N.J.S.2C:12-3

16 (4) Kidnapping N.J.S.2C:13-1

17 (5) Criminal restraint N.J.S.2C:13-2

18 (6) False imprisonment N.J.S.2C:13-3

19 (7) Sexual assault N.J.S.2C:14-2

20 (8) Criminal sexual contact N.J.S.2C:14-3

21 (9) Lewdness N.J.S.2C:14-4

22 (10) Criminal mischief N.J.S.2C:17-3

23 (11) Burglary N.J.S.2C:18-2

24 (12) Criminal trespass N.J.S.2C:18-3

25 (13) Harassment N.J.S.2C:33-4

26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

27 When one or more of these acts is inflicted by an unemancipated
28 minor upon a person protected under this act, the occurrence shall
29 not constitute "domestic violence," but may be the basis for the
30 filing of a petition or complaint pursuant to the provisions of
31 section 11 of P.L.1982, c.77 (C.2A:4A-30).

32 b. "Law enforcement agency" means a department, division,
33 bureau, commission, board or other authority of the State or of any
34 political subdivision thereof which employs law enforcement
35 officers.

36 c. "Law enforcement officer" means a person whose public
37 duties include the power to act as an officer for the detection,
38 apprehension, arrest and conviction of offenders against the laws of
39 this State.

40 d. "Victim of domestic violence" means a person protected
41 under this act and shall include any person who is 18 years of age or
42 older or who is an emancipated minor and who has been subjected
43 to domestic violence by a spouse, former spouse, or any other
44 person who is a present or former household member. "Victim of
45 domestic violence" also includes:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

(1) any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant **].** "Victim of domestic violence" also includes **];**

(2) any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship **;** and

(3) any parent of an adopted child who has been subjected to domestic violence by a person whose parental rights towards the adopted child have been terminated.

e. "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

(cf: P.L.1994, c.94, s.1)

2. This act shall take effect on the first day of the second month following enactment.

STATEMENT

This bill amends the definition of "victim of domestic violence" in the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), to include as a victim any parent of an adopted child who has been subjected to domestic violence by a person whose parental rights towards the adopted child have been terminated. This change would provide an adoptive parent with the statutory protections afforded by the "Prevention of Domestic Violence Act of 1991," which can include, *inter alia*, the filing and receipt of temporary and final restraining orders against the perpetrator, forbidding the perpetrator from possessing any firearm or other weapon, and monetary compensation stemming from the perpetrator's act of domestic violence.

As set forth in the current law (section 3 of P.L.1991, c.261 (C.2C:25-19)), domestic violence includes any of the following offenses:

- Homicide N.J.S.2C:11-1 et seq.
- Assault N.J.S.2C:12-1
- Terroristic threats N.J.S.2C:12-3
- Kidnapping N.J.S.2C:13-1
- Criminal restraint N.J.S.2C:13-2
- False imprisonment N.J.S.2C:13-3
- Sexual assault N.J.S.2C:14-2
- Criminal sexual contact N.J.S.2C:14-3
- Lewdness N.J.S.2C:14-4
- Criminal mischief N.J.S.2C:17-3

- 1 • Burglary N.J.S.2C:18-2
- 2 • Criminal trespass N.J.S.2C:18-3
- 3 • Harassment N.J.S.2C:33-4
- 4 • Stalking P.L.1992, c.209 (C.2C:12-10)

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6 Thus, an adoptive parent who was subjected to one or more of
7 these offenses by a person whose parental rights toward the adopted
8 child were terminated could, as established by the bill, receive
9 protections under the “Prevention of Domestic Violence Act of
10 1991.”